REMARKS/ARGUMENTS

Applicant acknowledges, with thanks, receipt of the Office Action mailed October 19, 2006. Applicant further acknowledges, with thanks, the telephonic interview conducted between the Examiner and the Applicant's representative, wherein it was agreed that the Applicant had not received the Office Action as originally mailed on March 9, 2006, which was returned to the Patent Office as undelivered on March 20, 2006. The Examiner thereafter remailed the first Office Action on October 19, 2006 and the restarted the response time.

By this amendment, claims 1-2, 6, 10, 14 have been amended. Claims 20-33 have been canceled. Claims 34-37 are new. The subject matter that the wireless handset sends a message to a controller (e.g. a phone controller) to direct subsequent communications to the wireless handset via a wireless local area network when communication to the base unit is lost is not new matter as it is described in Fig. 5 (ref. char . 518) and paragraph 37 of the original specification. The subject matter that the wireless handset sends a signal to the controller to send subsequent communications for the wireless handset to the base unit once communication with the base unit has been reestablished is not new matter as it is described in Fig 5 (ref. char 510) and paragraph 41 of the original specification. Reconsideration of the claims as now standing is requested for reasons that will now be set forth.

NON-ART MATTERS

I. Objections to the Claims

The Examiner has objected to claim 1 (page 20, line 11) as containing a grammatical error. The grammatical error cited by the Examiner has been corrected. Therefore, Applicant respectfully requests withdrawal of this objection.

II. Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 6 and 22 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, claim 6 references "the at least one access point", which lacks proper antecedent basis. Similarly, claim 22 recites the limitation "the base", which lacks proper antecedent basis.

Accordingly, applicant has amended these claims to overcome this rejection. Withdrawal of this rejection is respectfully requested.

ART MATTERS

I. Rejections under 35 U.S.C. § 102(e) and 35 U.S.C. 103

Claims 24-27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0100308 to Rusch (*hereinafter* Rusch). Claims 1-2, 4, 7, and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0204084 to Tan et al. (*hereinafter* Tan) in view of Rusch. Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tan in view of Rusch and U.S. Patent No. 6,681,118 to Raffel et al. (*hereinafter* Raffel). Claims 5-6, 8, and 10-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tan in view of Rusch and U.S. Patent No. 6,389,299 to Park (*hereinafter* Park). Claims 14-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tan in view of Park and U.S. Patent No. 5,915,224 to Jonsson (*hereinafter* Jonsson). Claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tan in view of Park, Jonsson, and U.S. Patent No. 5,920,815 to Akhavan (*hereinafter* Akhavan). Claim 28 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rusch in view of Akhavan. Claim 29 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rusch in view of Akhavan and Jonsson. Claims 30-31 and 33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Akhavan and U.S. Patent No. 6,922,559 to Mohammed (*hereinafter* Mohammed). Claim 32 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Akhavan, Mohammed, and Tan. For reasons that will now be set forth

Independent claims 1, 10, 14 and 34 are directed to a system or method of operation for a wireless handset. The wireless handset configured for wireless voice over Internet Protocol (VoIP) that has a first transceiver for communicating with a base unit and a second transceiver for communicating with a wireless local area network (WLAN). When the wireless handset cannot communicate with the base unit, the second transceiver is activated and communication is established with the WLAN. A signal is sent to a controller (e.g. a phone controller) to direct subsequent communications for the wireless handset through the WLAN. When

communications has been reestablished with the base unit, the wireless handset sends a signal through the base unit requesting the controller to direct subsequent communications through the base unit. Optionally, (e.g. see claim 37) once communications have been reestablished with the base unit the wireless transceiver for the WLAN can be switched to a power save mode. Thus, the wireless handset sends a signal to the controller to direct subsequent communications via the WLAN when communications with the base unit is lost and the wireless handset sends a signal to the controller to direct subsequent communications to the base unit when communication with the base unit has been reestablished.

By contrast, Rusch does not send a signal to the phone controller Rusch monitors current communications conditions and may select another network and/or service (para. 29) or the wireless device may transition between communications networks when a network or service becomes unavailable (para. 30), but nothing in Rusch discloses, teaches and/or suggests that wireless unit sends a signal to a controller to direct subsequent communications via the WLAN when communications with the base unit is lost and the wireless handset sends a signal to the controller to direct subsequent communications to the base unit when communication with the base unit has been reestablished. Therefore, Rusch does not disclose, teach and/or suggest every element of independent claims 1, 10, 14 and 34.

The aforementioned deficiencies in Rusch are not remedied by any teaching of Tan. Tan is directed to a plug-in wireless interface module that allows a user to use a wireless handset to carry out specific telephone functions. Moreover, Tan does not communicate using multiple transceivers.

The aforementioned deficiencies in Rusch and Tan are not remedied by any teaching of Mohammed. Mohammed teaches that a system server (not the wireless unit) facilitates transitions between the licensed and unlicensed wireless service (see col. 3, lines 63-65).

The aforementioned deficiencies in Rusch, Tan and Mohammed are not remedied by any teaching of Park. Park has cordless handsets that are coupled to both a main telephone set and a radio base station (see col. 2, lines 9-14). This allows a cordless phone to be operated by the main telephone set (see col. 2, lines 20-23).

The aforementioned deficiencies in Rusch, Tan, Mohammed and Park are not remedied by any teaching of Akhavan. Akhaven discloses that the base station (not the handset) sends the instructions to close down the cellular connection (col 19, lines 47-51).

The aforementioned deficiencies in Rusch, Tan, Mohammed, Park and Akhavan are not remedied by any teaching of Jonsson. Jonsson discloses that registration and call diversion procedures are initiated automatically in conjunction with placing and removing the mobile terminal in the battery charging unit (col. 4, line 66 – col. 5, line 3). The control unit handles annulement of any diversion service that may have been activated when the mobile terminal is placed in the charger (col 9, lines 54-60). Moreover, Jonsson is not analogous because diversion in Jonsson is similar to call forwarding (See col. 2, lines 56-65 - incoming calls in the mobile telephone network can be diverted to a directory number associated with a fixed telephone network, and visa versa).

Therefore, for the reasons just set forth, Rusch, Tan, Mohammed, Park, Akhavan and/or Jonsson, alone or in any combination thereof, disclose, teach, and/or suggest each and every element of independent claims 1, 10, 14 and 34. Therefore, independent claims 1, 10, 14 and 34 are neither anticipated nor obvious in view of any combination of Rusch, Tan, Mohammed, Park, Akhavan and Jonsson.

Claims 2- 9 directly depend from claim 1 and therefore contain each and every element of claim 1. Claims 11-13 directly depend from claim 10 and therefore contain each and every element of claim 10. Claims 15-19 directly depend from claim 14 and therefore contain each and every element of claim 14. Claims 35-37 directly depend from claim 34 and therefore contain each and every element of claim 34. Therefore, for reasons already set forth for claims 1, 10, 14 and 34, claims 2-9, 11-13, 15-19 and 35-37 respectively are neither anticipated nor obvious in view the cited prior art.

CONCLUSION

For the reasons set forth above, withdrawal of the objections and rejections to this application is requested and a Notice of Allowance is earnestly solicited. If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/30267.

Respectfully submitted,

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